

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JERRY ROACH,

Plaintiff,

02-CV-10111 (KMK)

- against -

YOUNG & RUBICAM,

Defendant.

**NOTICE OF MOTION TO
WITHDRAW AS PLAINTIFF'S
COUNSEL**

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PLEASE TAKE NOTICE that, upon the annexed affirmations of Norman A. Bloch, Esq., dated December 21, 2004, and Jeffrey C. Slade, Esq., dated December 20, 2004, and the annexed affidavits of Deborah Plachta, M.D., dated October 12, 2004, and Daniel J. Bloom, L.C.S.W., dated October 11, 2004, and all of the papers and proceedings previously had herein, Jeffrey C. Slade and Slade & Associates, P.C., attorneys for plaintiff Jerry Roach, will move this Court before the Honorable Kenneth M. Karas, United States District Judge for the Southern District of New York, at the United States Court House located at 225 Cadman Plaza East, Brooklyn, New York 11201, on January 3, 2005, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order, pursuant to Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, granting the motion of Mr. Slade and Slade & Associates, P.C., to withdraw as plaintiff's counsel in this action and relieving Mr. Slade and his firm of all further responsibilities therein, and granting Mr. Slade and his firm such other relief as the court deems just and appropriate in the circumstances.

Dated: December 21, 2004
New York, New York

Yours, etc.

THOMPSON HINE LLP
Attorneys for Jeffrey C. Slade
and Slade & Associates, P.C.

By: /s/ *Norman A. Bloch*

Norman A. Bloch (NB-7971)
One Chase Manhattan Plaza
58th Floor
New York, New York 10005
212-344-5680

To: Clerk
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Jerry Roach

Guy R. Cohen
Davis & Gilbert
1740 Broadway
New York, New York 10019
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JERRY ROACH,

Plaintiff,

02-CV-10111 (KMK)

- against -

YOUNG & RUBICAM,

**AFFIRMATION OF
NORMAN A. BLOCH**

Defendant.

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STATE OF NEW YORK)
)
) ss.
COUNTY OF NEW YORK)

NORMAN A. BLOCH, an attorney duly admitted to practice law before the courts of the State of New York, affirms, under penalty of perjury, that:

1. I am counsel to Jeffrey C. Slade, Esq., and Slade & Associates, P.C., who herein move to withdraw as counsel for plaintiff in this action pursuant to Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.
2. Mr. Slade has been a close friend of mine since we attended New York University School of Law together 29 years ago.
3. As the accompanying exhibits demonstrate, as of September 30, 2004, as the consequence of a first episode of severe major depression resulting in a four-day hospitalization, Mr. Slade is totally disabled and must withdraw from all of his pending cases, including this one. He will be, and is, under the care and supervision of a physician and other health care professionals for an indefinite period. Mr. Slade is now in the process of suspending his practice and closing down his office. At the very least,

his illness will result in his practice being suspended for a period of six months to one year; it is probable that, even after one year, Mr. Slade will be forced to close down his practice permanently.

4. Along with Melvin R. Leventhal, Esq., I am representing Mr. Slade solely to effect his withdrawal as counsel in his pending cases, including this one. Mr. Slade is essentially a solo practitioner. He engages attorneys to assist him on a case-by-case and hourly rate basis, as the need for such assistance arises. Mr. Slade has provided essentially all of the representation of plaintiff in this matter. Consequently, if Mr. Slade cannot represent the plaintiff in this case, Slade & Associates, P.C., cannot represent it.

5. By letter dated October 19, 2004 (Exhibit B annexed hereto), I notified this court and opposing counsel of Mr. Slade's disability and his inability to continue as counsel for plaintiff in this case, and requested that this court stay all proceedings in this case and afford plaintiff a reasonable amount of time to retain new counsel.

6. On October 28, 2004, by an endorsed memorandum (Exhibit C), this court ordered that the proceedings in this case be stayed until January 3, 2005, to permit plaintiff time to seek new counsel. The parties were further ordered to report to the court by that date as to the status of plaintiff's representation.

7. Both Mr. Slade and I have communicated with the plaintiff about retaining new counsel. Plaintiff has not yet retained new counsel as of this writing.

8. At this time, the court has before it a fully briefed summary judgment motion made by the defendant. Oral argument on the motion has not yet been scheduled.

9. Counsel for defendant Young & Rubicam consents to the relief requested by this motion.

10. Mr. Leventhal and I are not available to serve as plaintiff's counsel in this matter, and we are acting solely as counsel to Mr. Slade.

WHEREFORE, for the reasons set forth above and in the exhibits annexed hereto, it is respectfully requested that the court issue an order, pursuant to Civil Rule 1.4 of the Local Rules of the United States District Courts for the Eastern and Southern Districts of New York, granting the motion of Mr. Slade and Slade & Associates, P.C., to withdraw as plaintiff's counsel in this action and relieving Mr. Slade and his firm of all further responsibilities therein, and granting Mr. Slade and his firm such other relief as to the court seems just and appropriate in the circumstances.

/s/ Norman A. Bloch

NORMAN A. BLOCH (NB-7971)

Dated: December 21, 2004
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JERRY ROACH,

Plaintiff,

02-CV-10111 (KMK)

- against -

AFFIDAVIT OF SERVICE

YOUNG & RUBICAM,

Defendant.

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

JI-EUN TINA LEE, being duly sworn, hereby states, under penalty of perjury, that I am over 18 years of age and not a party to this action. On the date indicated below, I served the within Notice of Motion to Withdraw as Plaintiff's Counsel, dated December 21, 2004, along with accompanying Affirmation of Norman A. Bloch and accompanying exhibits, by depositing a true copy of the same, enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive custody and care of the United States Postal Service within the State of New York, to:

Jerry Roach
140 East 46th Street
Apartment 7S
New York, New York 10017

Guy R. Cohen
Davis & Gilbert
1740 Broadway
New York, New York 10019
Attorneys for Defendant

Dated: December 21, 2004

/s/ *Ji-Eun Tina Lee*

Ji-Eun Tina Lee
Legal Assistant
Thompson Hine LLP
One Chase Manhattan Plaza
New York, New York 10005
(212) 344-5680

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JERRY ROACH,

Plaintiff,

02-CV-10111 (KMK)

- against -

YOUNG & RUBICAM,

**AFFIRMATION OF
JEFFREY C. SLADE**

Defendant.

-----X

STATE OF NEW YORK)
)
) ss.
COUNTY OF NEW YORK)

JEFFREY C. SLADE, an attorney duly admitted to practice before the courts of the State of New York, affirms, under penalty of perjury, that:

1. I and my law firm, Slade & Associates, P.C., are counsel of record to plaintiff Opals on Ice Lingerie, Designs by Bernadette, Inc., in this action. I submit this affidavit in support of this motion for leave to withdraw as counsel in this action and to be relieved of all further responsibilities therein pursuant to Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.
2. I am the only member of the firm of Slade & Associates, P.C. Although I have associates available to me on an hourly rate and case-by-case basis, the firm does not employ full-time associates. I have provided essentially all of the representation in this action on behalf of the plaintiff. Accordingly, if I am not able to provide legal representation, Slade & Associates, P.C., cannot provide legal representation.
3. I was hospitalized at Roosevelt Hospital in Manhattan, during the early morning hours on Monday, September 27, 2004. I remained at Roosevelt until Thursday, September 30, 2004.

As explained in the accompanying affidavits of my psychiatrist, Dr. Plachta (Exhibit D), and my psychotherapist, Daniel Bloom (Exhibit E), I was then and am now suffering from mental illness, "Major Depression, First Episode, Severe."

4. I am totally unable to practice law because of my disability. Upon the advice of both my psychiatrist and my psychotherapist, I must withdraw as counsel from all of my pending cases. I intend to and must discontinue the practice of law for an indefinite but lengthy period of approximately one year. It is entirely likely that, after that lengthy period, I will permanently discontinue my practice. Indeed, the lease of the office space from which I conduct my practice expires on January 31, 2005, and I do not intend to renew that lease or obtain new space. I also intend to terminate my employees as soon as practicable, *i.e.*, as soon as I have satisfied all of my firm's responsibilities to our clients.

5. Accordingly, on my own behalf and on behalf of my law firm, I respectfully move this Court to withdraw as counsel in this action and to be relieved of all further responsibilities therein.



JEFFREY C. SLADE

Dated: December 20, 2004
New York, New York



October 19, 2004

Honorable Kenneth M. Karas
 United States District Judge
 Southern District of New York
 United States Court House
 500 Pearl Street
 New York, New York 10007

RE: Roach v. Young & Rubicam, 02 CV 10111 (KMK)(NRB)

Dear Judge Karas:

I write on behalf of Jeffrey C. Slade, Esq., the attorney for Jerry Roach, plaintiff in the above-captioned action. Mr. Slade and I have been close friends since we attended law school together 29 years ago.

As of September 30, 2004, Mr. Slade is totally disabled and must withdraw from representing all of his clients, including the plaintiff in this case. Having suffered a severe major depression episode resulting in a four-day period of hospitalization, Mr. Slade will be under the care and supervision of a physician and other health professionals for an indefinite period. Mr. Slade has told me that he intends to, and must immediately, close down his practice. At the very least, his illness will result in his practice being suspended for a period of six months to one year; it is possible that, even after one year, Mr. Slade will close down his practice permanently.

Along with another attorney, I am representing Mr. Slade to effect his withdrawal as counsel in all of his pending cases, including this one. Mr. Slade is essentially a solo practitioner. He engages attorneys to assist him on a case-by-case and hourly rate basis, as the need for such assistance arises. He has worked essentially solo on this case.

I have spoken to Mr. Roach about retaining a new attorney and I am hopeful that he can obtain new counsel in the near future. I am not available to serve as plaintiff's counsel and I write solely as Mr. Slade's attorney. If Mr. Roach is unable to secure new counsel to whom his case can be transferred, I will file a motion for leave to withdraw on Mr. Slade's behalf.

THOMPSON
HINE

Honorable Kenneth M. Karas
U.S.D.J., S.D.N.Y.
October 19, 2004
Page 2

In light of the unfortunate circumstances related in this letter, I respectfully request that all proceedings in this case be stayed until such time as Mr. Roach retains new counsel or, at the very least, until he is given a reasonable time to retain new counsel.

Respectfully submitted,

/s/ *Norman A. Bloch*

Norman A. Bloch
(NB-7971)

cc: Jerry Roach
Plaintiff

Raphael Lee, Esq.
Attorney for Defendant
Davis & Gilbert LLP
1740 Broadway
New York, New York 10019

NAB:nti

DAVIS & GILBERT LLP
1740 BROADWAY
NEW YORK, NEW YORK 10019
(212) 468-4800

DIRECT DIAL NUMBER
(212) 468-4853
EMAIL ADDRESS
gcohen@dglaw.com

MAIN FACSIMILE
(212) 468-4888
PERSONAL FACSIMILE
(212) 974-6959

October 28, 2004

VIA HAND DELIVERY

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
United States Court House
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Roach v. Young & Rubicam*, 02 Civ. 10111 (KMK)

Dear Judge Karas:

This firm represents defendant Young & Rubicam, Inc. ("Y&R"). I write in response to Norman Bloch's October 19, 2004 letter concerning Jeff Slade's illness and the above-referenced matter. Having gotten to know Jeff during this litigation, I was shocked and saddened to hear about his illness.

We, of course, do not oppose the request for Mr. Roach to be given an opportunity to obtain a new attorney. At the same time, Y&R would like to conclude this litigation as expeditiously as possible, and the Court has before it a fully briefed summary judgment motion that we believe will be dispositive.

Under these circumstances, we believe it would be reasonable to grant Mr. Roach 60 days to obtain new counsel and to schedule oral argument on the summary judgment motion for January 2005.

Respectfully submitted,

Guy R. Cohen

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cc: Norman Bloch, Esq.

The proceedings in this case are stayed until January 3, 2005, to permit Plaintiff time to seek new counsel. The parties are to report to the Court by that date as to the status of plaintiff's representation. SO ORDERED

KENNETH M. KARAS U.S.D.J.

AFFIDAVIT OF DEBORAH N. PLACHTA, MD
IN SUPPORT OF JEFFREY C. SLADE'S MOTION
TO WITHDRAW AS COUNSEL IN HIS PENDING CASES

State of New York :
County of New York : ss

Deborah N. Plachta, being duly sworn deposes and says:

1. I am a psychiatrist practicing out of offices located at 955 Park Avenue, New York, New York 10028. Attached is my Curriculum Vitae.
2. I submit this affidavit in support of Mr. Slade's motion to withdraw as counsel from all of his pending cases.
3. Jeffrey C. Slade is my patient. He has been under my care since September 20, 2004 when I had my first therapy session with him. Mr. Slade was hospitalized between September 27, 2004 and September 30, 2004 and I have followed and have had weekly therapy sessions with him since his discharge. I expect to have therapy sessions with him weekly, until he is more stable, and then one or two sessions each month for the foreseeable future. My diagnosis is "Major Depression, First Episode, Severe" for which I have prescribed anti-depressant and anti-anxiety medications.
4. It is my opinion to a reasonable degree of medical certainty that Mr. Slade is totally disabled and not capable of engaging in the practice of law and that it is necessary that he immediately withdraw as counsel to all of his clients and from all of his pending cases. My

prognosis is that Mr. Slade will be so disabled for a period of no less than six months to one year.

In fact, it is entirely possible that Mr. Slade's disability will persist for an indefinite period much longer than one year and that he will be required to permanently close down his law practice.

This 11 day of October, 2004.



Deborah N. Plachta

Sworn and subscribed to
before me this 11 day of
October, 2004.



Notary Public

MELVYN R. LEVENTHAL
Notary Public, State of New York
No. 02LE4810036
Qualified in New York County
Commission Expires June 30, 200

8/04

CURRICULUM VITAE -- DEBORAH N. PLACHTA, MD

Office:
955 Park Avenue
New York, NY 10028
Tel: (212) 879-5621

EDUCATION:

Barnard College, New York City -- Biology major with secondary emphasis in Art History -- AB in Biology	9/68-6/72
Albert Einstein College of Medicine, Bronx, NY -- MD	7/72-6/76
Internship in Medicine, Montefiore Hospital & Medical Center, Albert Einstein College of Medicine	7/76-7/77
Residency in Psychiatry, Bronx Municipal Hospital Center, Albert Einstein College of Medicine	7/77-7/80
New York Psychoanalytic Institute, Graduate	1994

RELATED EDUCATIONAL AND RESEARCH EXPERIENCE:

National Science Foundation Summer Student Fellowship, Jackson Laboratory, Bar Harbor, Maine. Project on genetic diversity in inbred strains of rabbits	6/71-9/71
Graduate work, Laboratory of Dr. Matthew Scharff at the Albert Einstein College of Medicine. Projects on molecular genetics and protein synthesis	8/73-4/74
Attended the Gordon Conference on Aging, Tilton, New Hampshire	6/74
Elective Research Project, Department of Psychiatry, Mount Sinai Hospital, NY. Project correlating psychodynamic dream content with physiological variables associated with REM and non-REM sleep. Worked with Dr. Charles Fisher	1979
Advances in Psychopharmacology, New England Educational Institute,	

Cape Cod (week-long seminars) 1988,1990

Psychopharmacology Update, Harvard University Medical School 10/95,98

TEACHING AND SUPERVISORY EXPERIENCE:

Taught first-year Biology Laboratory, Barnard College 9/70-6/72

Psychiatric House Officer, Gracie Square Hospital, NYC 1978-1983

Supervision of third-year medical students, Psychiatric Outpatient Department, Bronx Municipal Hospital Center, Bronx, NY 1978-1980

Taught seminar in psychoanalytic theory and process to third-year medical students at AECOM 1983-1985

Taught seminar in interviewing and psychopathology to third-year medical students at AECOM 1980-1985

Individual supervision of third-year medical students on Inpatient Psychiatry Service, BMHC--weekly sessions focused on psychiatric diagnosis, psychopharmacology and the dynamic unconscious as expressed in severely ill hospitalized patients 1980-1988

Individual supervision of psychiatry residents, BMHC/Montefiore--weekly sessions focused on psychoanalytic theory and technique applied to supportive and psychoanalytic psychotherapy; also focused on appropriate psychopharmacologic interventions 1980-1988
1990-present

Supervision of psychology interns, Gracie Square Hospital--individual instruction in psychopathology, interviewing technique, psychiatric diagnosis and psychopharmacology 1988-1997

Supervision of psychiatry residents and medical House-staff, Lenox Hill Hospital, NY 1994-1998

PROFESSIONAL EMPLOYMENT AND HOSPITAL APPOINTMENTS:

Private practice in psychiatry and psychoanalysis, including psychopharmacology and ECT	1980-present
Psychopharmacology as an associate in the practice of Klein-Liebowitz associates, P.C.	1997-present
Assistant Attending Psychiatrist, BMHC	1980-present
Clinical Instructor, Department of Psychiatry, Albert Einstein College of Medicine/BMHC	1980-1981
Instructor, Department of Psychiatry, Albert Einstein College of Medicine/BMHC	1981-1984
Unit Chief on Inpatient Psychiatry Service, BMHC	1983-1988
Assistant Professor of Psychiatry, Albert Einstein College of Medicine	1984-present
Attending in Psychiatry and Admitting Psychiatrist, Gracie Square Hospital, NY	1988-1997
Attending in Psychiatry and Admitting Psychiatrist, Lenox Hill Hospital, NY	1994-present

AWARDS AND HONORS

Cum Laude, with special Honors in Biology, Barnard College 1972

LICENSURE AND BOARD CERTIFICATION:

New York State License 1977

American Board of Psychiatry and Neurology 1981

Member, American Society of Clinical Psychopharmacologists
Certified by American Psychoanalytic Association 2001 - Present +
2002

AFFIDAVIT OF DANIEL J. BLOOM
IN SUPPORT OF JEFFREY C. SLADE'S MOTION
TO WITHDRAW AS COUNSEL IN HIS PENDING CASES

State of New York :
County of New York : ss

Daniel J. Bloom, being duly sworn deposes and says:

1. I am a psychotherapist with an office located at 220 West 15th Street, New York, New York 10011. I received an MSW degree from New York University and I have been a licensed clinical social worker, a psychotherapist, in private practice since 1981. (I also received a law degree from New York University in 1972 and I am admitted to the Bar of the State of New York.) Attached is my Curriculum Vitae.

2. I submit this affidavit in support of Mr. Slade's motion to withdraw as counsel in all of his pending cases.

3. Jeffrey C. Slade is my patient. He was hospitalized at Roosevelt Hospital from September 27, 2004 until September 30, 2004, with a diagnosis of "Major Depression, First Episode, Severe." My first two therapy sessions with him took place by telephone, on September 28 and 29, 2004, while Mr. Slade was in the Hospital. I have seen and will continue to see Mr. Slade twice each week for the foreseeable future. In addition, I have had, and will continue to have, frequent telephone contact with him.

4. It is my clinical judgment that Mr. Slade is totally disabled and not capable of engaging in the practice of law and that it is necessary that he immediately withdraw as counsel to all of his clients and from all of his pending cases. My prognosis is that Mr. Slade will be so disabled

for a period of no less than six months to one year. In fact, it is entirely possible that Mr. Slade's disability will persist for an indefinite period much longer than one year and that he will be required to permanently close down his law practice.

This 11^M day of October, 2004.



Daniel J. Bloom

Sworn and subscribed to
before me this 11 day of
October, 2004.



Notary Public

MELVYN R. LEVENTHAL
Notary Public, State of New York
No. 02LE4810036
Qualified in New York County
Commission Expires June 30, 2006

Daniel J. Bloom, J.D., L.C.S.W.
 Psychotherapist
 220 West Fifteenth Street 1B
New York, New York 10011
 (212) 674-0404
djbnyc@nyc.rr.com

CURRICULUM VITAE

Treatment Experience

- | | |
|--------------|--|
| 1978-Present | Psychotherapist in private practice. Practice consists of individual, couple, and group therapy. |
| 1979-1994 | Supervising psychotherapist, Identity House. |
| 1983-1993 | Group leader, Gay Men's Health Crisis. |
| 1985-1994 | Workshop leader, Gay Men's Health Crisis. |
| 1989-1992 | Supervisor, Gestalt Therapy Institute. |

Administrative Experience

- | | |
|----------------|--|
| 1975-1982 | Member of Steering Committee, Identity House |
| 1982-1983 | Clinical Director, Identity House. |
| 1985-86 | Groups Director, Identity House. |
| 1997-
1998- | Vice-President, New York Institute for Gestalt Therapy |
| 2001- | President, New York Institute for Gestalt Therapy |

Other Relevant Experience

- | | |
|-----------|--|
| 1983-1994 | Training Assistant, Gay Men's Health Crisis. |
| 1984-1986 | Instructor, "An Introduction to the Theory of Gestalt Therapy," seminar, New York Institute for Gestalt Therapy. |
| 1986-1994 | Member of faculty, Department of Education and Division of Professional Education, Gay Men's Health Crisis. |

Daniel J. Bloom, J.D., C.S.W., curriculum vitae, 2

1987-1993	Consultant, educational curriculum development, Gay Men's Health Crisis.
1989-1992	Faculty supervisor, Gestalt Therapy Institute.
1991-1992	Teacher, "A Practicum in the Theory and Practice of Gestalt Therapy," independently offered
1992-Present	Instructor, New York Institute for Gestalt Therapy

Professional Certifications

Certified Social Worker, New York State License Number R-025871-1.

Board Certified Diplomat in Clinical Social Work.

Registered Clinical Social Worker, NASW Registry

Certified Group Psychotherapist

Attorney, admitted to practice in New York State and Federal jurisdictions.

Professional Honors

Full member, New York Institute for Gestalt Therapy.

of Social Workers Registry of Clinical Social Workers.

Diplomat in Clinical Social Work, National Association of Social Workers.

Professional Education

1981	M.S.W., New York University.
1972	J.D., New York University.
1976-Present	Training and advanced supervision as a gestalt therapist with Laura Perls, Isadore From, Richard Kitzler, and Patrick Kelley with the New York Institute for Gestalt Therapy.